

**SUPREME COURT MINUTES
FRIDAY, APRIL 23, 2004
SAN FRANCISCO, CALIFORNIA**

S027094

PEOPLE v. ELLIOT (MARCHAND)
Extension of time granted

to June 14, 2004 to file appellant's opening brief.
After that date, only one further extension
totaling 60 additional days will be granted.
Extension is granted based upon counsel
Michael P. O'Connor's representation that he
anticipates filing that brief by 8/13/2004.

S030402

PEOPLE v. TULLY (RICHARD C.)
Extension of time granted

to May 21, 2004 to file appellant's opening brief.
After that date, only two further extensions
totaling about 70 additional days will be
granted. Extension is granted based upon
counsel James S. Thomson's representation that
he anticipates filing that brief by 7/31/2004.

S030553

PEOPLE v. WILLIAMS (GEORGE)
Extension of time granted

to May 12, 2004 to file appellant's opening brief.
After that date, only two further extensions
totaling 95 additional days will be granted.
Extension is granted based upon counsel Daniel
N. Abrahamson's representation that he
anticipates filing that brief by 9/14/2004.

S050583

PEOPLE v. HOWARD (DEMETRIUS)
Extension of time granted

to June 25, 2004 to file appellant's opening brief.
The court anticipates that after that date, only
four further extensions totaling about 240
additional days will be granted. Counsel is
ordered to inform his or her supervising
attorney, if any, of this schedule, and to take all
steps necessary to meet it.

S073253

PEOPLE v. GUTIERREZ (ALFRED A.)

Extension of time granted

to June 18, 2004 to file appellant's opening brief. Extension is granted based upon counsel H. Mitchell Caldwell's representation that he anticipates filing that brief by 6/18/2004. After that date, no further extension will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S073597

PEOPLE v. LOPEZ (JUAN M.)

Extension of time granted

to June 25, 2004 to file appellant's opening brief. The court anticipates that after that date, only three further extensions totaling 180 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S078664

PEOPLE v. AVILA (JOSEPH)

Extension of time granted

to June 28, 2004 to file appellant's opening brief. After that date, only three further extensions totaling 135 additional days will be granted. Extension is granted based upon counsel Christine J. Levin's representation that she anticipates filing that brief by 11/10/2004.

S116529

NOGUERA (WILLIAM) ON H.C.

Extension of time granted

to May 24, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Robert R. Bryan's representation that he anticipates filing that document by 5/24/2004. After that date, no further extension will be granted.

S118272HEARD (JAMES) ON H.C.
Extension of time granted

to June 11, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon counsel Robert E. Boyce's representation that he anticipates filing that document by 8/10/2004.

S120249SAMAYOA (RICHARD) ON H.C.
Extension of time granted

to May 24, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only four further extensions totaling about 130 additional days will be granted. Extension is granted based upon counsel Glen Niemy's representation that he anticipates filing that document by 9/30/2004.

S120348ANDREWS (JESSE) ON H.C.
Extension of time granted

to May 24, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling 30 additional days is contemplated. Extension is granted based upon counsel Michael Burt's representation that he anticipates filing that document by 6/24/2004.

S020803PEOPLE v. STEWART (RICHARD B.)
Order filed

The request of attorney Melissa Hill for 45 minutes to argue on behalf of appellant is granted.

S106180CHATTERJEE ON DISCIPLINE
Order filed

The order filed on April 12, 2004, revoking probation is hereby ordered stricken pending disposition in S123034.

S122304TARKANIAN ON DISCIPLINE
Recommended discipline imposed: disbarred

It is hereby ordered that **WILLIAM V. TARKANIAN, State Bar No. 144491**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S122305LOPEZ ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ANTHONY ROBERT LOPEZ, JR., State Bar No. 137401**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 11, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S122306

MURPHY ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **PATRICK MURPHY, State Bar No. 116015**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122308

MORENO-SCHLICHT ON DISCIPLINE

Recommended discipline imposed

It is ordered that **MARILU MORENO-SCHLICHT, State Bar No. 94563**, be suspended from the practice of law for two years and until he makes the following restitution: (1) to Juana Gonzalez Arreola and/or Samuel Arreola (or the Client Security Fund, if appropriate) in the amount of \$13,200.00 plus 10% interest per annum from August 5, 2002, and (2) to Maria Flores (or the Client Security Fund, if appropriate) in the amount of \$3,175.00 plus 10% interest per annum from January 9, 2003, and furnishes satisfactory proof of the payment of the aforementioned restitution to the State Bar's Office of Probation; that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 12, 2003. Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2005 and 2006. (Bus. & Prof. Code section 6086.10.)

S122310

TURNER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JANIS LOUISE TURNER, State Bar No. 79217**, be suspended from the practice of law for 30 days, that execution of the suspension be stayed, and that she be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 5, 2003. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S122311

CODER ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **MICHAEL GARLAND CODER, State Bar No. 60825**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. **Michael Garland Coder** is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122465

KAMENETZ ON DISCIPLINE

Recommended discipline imposed

It is ordered that **BRYAN D. KAMENETZ, State Bar No. 208678**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing

Department of the State Bar Court in its order approving stipulation filed on November 26, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S122467**MARSHALL ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **DANIEL E. MARSHALL, State Bar No. 151328**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on December 23, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for years 2005 and 2006. (Business & Professions Code section 6086.10.)

S122469**PATISON ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JAMES LEE PATISON, State Bar No. 57971**, be suspended from the practice of law for five years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for

five years on condition that he be actually suspended for three years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on December 23, 2003. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122470

FORBERG ON DISCIPLINE

Recommended discipline imposed

It is ordered that **TONY FORBERG, State Bar No. 172220**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 26, 2003. It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business &

Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122475

JUAREZ ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **MICHAEL GUZMAN JUAREZ, State Bar No. 151022**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122476

MCHENRY ON DISCIPLINE

Recommended discipline imposed

It is ordered that **SILAS CRAIG McHENRY, State Bar No. 66791**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for one year. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on December 15, 2003. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the

California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122477

BYE ON DISCIPLINE

Recommended discipline imposed

It is ordered that **B. IVER BYE, State Bar No. 86036**, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 30 days. **B. Iver Bye** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed October 30, 2003, as modified by its order filed December 30, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2005, 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

S122645

HELLESTO ON DISCIPLINE

Recommended discipline imposed

It is ordered that **RICHARD A. HELLESTO, State Bar No. 61471**, be suspended from the practice of law for two years and until he has

shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on December 26, 2003. It is also ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2005, 2006, and 2007. (Business & Professions Code section 6086.10.)

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122647

SERGI ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DAVID SERGI, State Bar No. 135201**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed December 18, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are

awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005, 2006 and 2007.

S122649

WHITE ON DISCIPLINE
Recommended discipline imposed

It is ordered that **JAMES DARYL WHITE, State Bar No. 73139**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including nine months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on December 10, 2003. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S122651

KERR ON DISCIPLINE
Recommended discipline imposed: disbarred

It is hereby ordered that **DUDLEY RANDALL KERR, State Bar No. 167402**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent

is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122652

KLUGE ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **DAVID R. KLUGE, State Bar No. 38800**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S124233

FORD ON RESIGNATION

The voluntary resignation of **MICHELE MARY FORD, State Bar No. 70866**, as a member of the State Bar of California is accepted.

S124235

GASHO ON RESIGNATION

The voluntary resignation of **LAURA BUCHMANN GASHO, State Bar No. 172727**, as a member of the State Bar of California is accepted.

S124236

HONN ON RESIGNATION

The voluntary resignation of **CARVER ENOS HONN, State Bar No. 63741**, as a member of the State Bar of California is accepted.

S124238

NELSON ON RESIGNATION

Voluntary resignation accepted

The voluntary resignation of **ROBERT EDWARD NELSON, State Bar No. 74835**, as a member of the State Bar of California is accepted.

S124239

PARKER ON RESIGNATION

Voluntary resignation accepted

The voluntary resignation of **SHELLEY KAY PARKER, State Bar No. 113894**, as a member of the State Bar of California is accepted.

S124240

POPE ON RESIGNATION

The voluntary resignation of **JEAN HARVEY POPE, State Bar No. 93192**, as a member of the State Bar of California is accepted.

S124241

RENFRO ON RESIGNATION

Voluntary resignation accepted

The voluntary resignation of **ROGER DALE RENFRO, State Bar No. 146923**, as a member of the State Bar of California is accepted.

S124242

SIDEY ON RESIGNATION

The voluntary resignation of **LYNNE MARGARET SIDEY, State Bar No. 204058**, as a member of the State Bar of California is accepted.

S124244

SMITH ON RESIGNATION

The voluntary resignation of **CLEMENCE MYERS SMITH, State Bar No. 19860**, as a member of the State Bar of California is accepted.

S124245

WINN ON RESIGNATION

The voluntary resignation of **RODNEY LOUIS WINN, State Bar No. 64966**, as a member of the State Bar of California is accepted.

S124246

ARNHEIM ON RESIGNATION

The voluntary resignation of **DAVID LAMBIE ARNHEIM, State Bar No. 100151**, as a member of the State Bar of California is accepted.

S124247

BRUCE ON RESIGNATION

The voluntary resignation of **DOUGLAS EDWARD BRUCE, State Bar No. 55494**, as a member of the State Bar of California is accepted.

S124248

ELHAI ON RESIGNATION

The voluntary resignation of **DEL DECKER ELHAI, State Bar No. 81816**, as a member of the State Bar of California is accepted.

S124250

GODWIN ON RESIGNATION

The voluntary resignation of **ROGER BLISS GODWIN, State Bar No. 37475**, as a member of the State Bar of California is accepted.

S124251

LASKIN ON RESIGNATION

The voluntary resignation of **HERBERT LASKIN, State Bar No. 33503**, as a member of the State Bar of California is accepted.

S124252

WELLS ON RESIGNATION

The voluntary resignation of **RANDALL CRAIG WELLS, State Bar No. 73123**, as a member of the State Bar of California is accepted.

S124254

ADLER ON RESIGNATION

The voluntary resignation of **JAMES ADLER, State Bar No. 186489**, as a member of the State Bar of California is accepted.

S124255

AIELLO ON RESIGNATION

The voluntary resignation of **JAMES ANDREW AIELLO**, **State Bar No. 37353**, as a member of the State Bar of California is accepted.

S124256

BULL ON RESIGNATION

The voluntary resignation of **PETER BULL**, **State Bar No. 32430**, as a member of the State Bar of California is accepted.

S124257

DEMPSEY ON RESIGNATION

The voluntary resignation of **JAMES WALKER DEMPSEY**, **State Bar No. 87398**, as a member of the State Bar of California is accepted.

B171317 Second Appellate District,
Division Four

IN RE NELS J. SPERLING ON H.C.
Order filed

The time for granting review on the court's own motion is hereby extended to and including May 23, 2004. (Cal. Rules of Court, rule 28.2(c).)

F045164 Fifth Appellate District

IN RE GENEVA WRIGHT
Order filed

The above-entitled matter, now pending in the Court of Appeal, Fifth Appellate District, is transferred to the Court of Appeal, Second Appellate District.